

Preliminary Amendment
Serial No.: 10/056,805
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REMARKS

With entry of this amendment, Claims 1, 2, 4 and 6-18 are pending. Claims 3 and 5 have been deleted. Claims 1, 4, 9 and 11 have been amended. No new matter has been added by the amendment.



MARKED COPY OF THE AMENDMENT

In accordance with 37 C.F.R. 1.121(b), the following replacement paragraphs show all the changes made by the foregoing amendment relative to the previous version of the paragraphs.

In the specification:

Please insert the following paragraph and header at page 1, line 7:

RELATED APPLICATIONS

The present application is a continuation-in-part of U.S. Patent Application No. 09/952,711 filed September 14, 2001, and claims the benefit of U.S. Provisional Patent Application No. 60/316,548, filed August 31, 2001.

In the Claims

1. (Amended) A composition to treat upper respiratory indications, comprising, a combination of at least one or more therapeutic agents selected from [a] the group consisting of [comprising] antihistamines, decongestants, antitussives, anticholinergics and expectorants, wherein [the at least one or more therapeutic agents are tannate salts] an antihistamine is dexchlorpheniramine tannate or dexbromphenerimine tannate.

4. (Amended) The composition of Claim 2, wherein [the antihistamine is dexchlorpheniramine tannate or dexbromphenerimine tannate,] the decongestant is pseudoephedrine tannate and the antitussive is dextromethorphan tannate.

9. (Amended) The method of Claim 8, wherein the [compositions] composition further comprises at least one or more agents selected from [a] the group [comprising] consisting of antihistamines, decongestants, antitussives, anticholinergics and expectorants, wherein [the at least one or more agents are tannate compounds] the antihistamine is dexchlorpheniramine tannate or dextromethorphan tannate.

11. (Amended) The method of Claim 9, wherein [the antihistamine is dexchlorpheniramine tannate or dextromethorphan tannate,] the decongestant is pseudoephedrine tannate and the antitussive is dextromethorphan tannate.

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In light of the amendments, Applicant is of the opinion that the application is now in condition for allowance. Such action is respectfully requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or there are any other issues which can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 745-2421 is respectfully solicited.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Janina Malone".

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